

**ORDINANCE NO. 2015-18**

**AN ORDINANCE OF THE CITY OF WYLIE, TEXAS,  
ABANDONING 2,580 SQUARE FEET OF PUBLIC RIGHT-  
OF-WAY LOCATED WITHIN THE KELLER'S FIRST  
ADDITION, LOT 8R, BLOCK 3; AND PROVIDING FOR AN  
EFFECTIVE DATE.**

**WHEREAS**, the property described herein is platted as a twenty foot alley and utility easement in the Keller's First Addition, Block 3, Lot 8R, said right-of-way being an unimproved alley; and

**WHEREAS**, VIAP Properties, LLC, owner of the property that contains said right-of-way has requested that the right-of-way be abandoned and the required appraisal be waived in and offered for sale according to State law and Section 2.12 of the City of Wylie Subdivision Regulations; and

**WHEREAS**, the City of Wylie has determined that said right-of-way is no longer needed for public access or utility purposes, provided that any existing utilities located within said right-of-way are converted to platted easements or other legal instruments by the new owners acquiring said right-of-way;


**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:**

**SECTION 1:** That the above described right-of-way and as shown in Exhibits A – H attached are no longer necessary for public access or utility purposes, provided that any existing utilities shall be located within easements, and that said portion of right-of-way should be abandoned in favor of adjacent property owner(s).

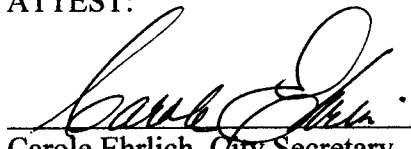
**SECTION 2:** That this abandonment shall extend only to the public right-of-way, title and interest which the City of Wylie, Texas may have in and to said right-of-way, and shall be construed to extend only to such interest that the governing body of the City of Wylie may legally and lawfully abandon.

**SECTION 3:** That this ordinance shall be in full force and effect from and after its adoption by the City Council, as the law in such cases provides.

**DULY PASSED AND APPROVED** by the City Council of the City of Wylie,  
Texas, this 12<sup>th</sup> day of May, 2015.

  
Eric Hogue, Mayor

ATTEST:

  
Carole Ehrlich, City Secretary



Ordinance No. 2015-18  
Abandoning 2,580 square feet of public right-of-way  
located within the Keller's First Addition, lot 8r, block 3

## EXHIBIT "A"

**Wylie Village Dentistry**  
2014 Highway 78 North suite 150  
Wylie, TX. 75098  
(972) 575-8885

To members of the Council

As you may already know, I am close to start the development of my property located on 115 S. Birmingham street. There is currently a 20 feet easement alley on the east side of the property. The approximate square footage for this easement is 2580. With this letter, I would like to request a waiver for appraisal and a release of easement on the alley.

The last appraisal done by CBRE for a property bought from the city in 2014 was appraised at \$2.64/sqft. This appraised property is in a prime location with the frontage on highway 78 and in front of First Baptist Church of Wylie. For comparison purposes, my property is not on a nearly as favorable location as the above mentioned. Additionally, I already own the land. I would like to request a release of easement on the property for \$1 per sqft.

If the city allows me to purchase this easement, I would increase the size of my building which would increase the taxable value for the city.

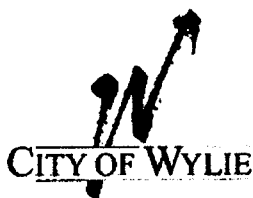
I hope you consider my request and I am looking forward to your response.

Sincerely,

Vinay Kumar



# EXHIBIT "B"



For Office Use Only  
CC Case Number: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_

## ABANDONMENT OF PUBLIC ROW-OF-WAY/EASEMENT APPLICATION

### MINIMUM SUBMITTAL REQUIREMENTS

- ☐ A completed copy of the attached Abandonment of Public ROW/Easement application.
- ☐ All exhibits processed (except for Exhibit No. 4, which will be processed by staff).
- ☐ Attach responses from all abutting property owners. (sample letter enclosed).
- ☐ A certified appraisal of the value of the land to be abandoned.
- ☐ A certified check to the City for the amount of the Appraisal.
- ☐ An executed Release of Claims from each abutting property owner.

ADDRESS/NAME OF  
ADDITION/SUBDIVISION 115 S. BERNHAM ST.

LEGAL DESCRIPTION LOT 8 R. Keller First Addition

APPLICANT (Primary Contact for the Project):

Name Vinay Kumar E-Mail Wylie Village Dentistry@gmail.com

Street Address 2014 Hwy 78 N. Suite 150

City Wylie State Tx Zip Code 75098

Phone Number 972-575-8895 Fax Number 972-575-8333

PROPERTY OWNER'S INFORMATION (if different from above):

Name \_\_\_\_\_ E-Mail \_\_\_\_\_

Street  
Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.

[Signature]  
Signature of Owner, Agent or Applicant

5/1/15  
Date

## EXHIBIT "B"

### APPLICATION FOR THE ABANDONMENT OF A PUBLIC RIGHT-OF-WAY/EASEMENT

#### TO THE MAYOR AND CITY COUNCIL OF THE CITY OF WYLIE:

The undersigned hereby makes application for the abandonment of that portion of the above right-of-way particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

1. Attached, marked Exhibit No. 1, is a metes and bounds description (dividing the area in half) of the area sought to be abandoned.
2. Attached, marked Exhibit No. 2, is a copy of a plat or detailed sketch of that portion of the public right-of-way/easement sought to be abandoned, and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described right-of-way/easement is situated, together with the record owners of such lots.
3. Attached, marked Exhibit No. 3, is the written consent of all public utilities to the abandonment.  
N/A
4. Attached, marked Exhibit No. 4, is the consent of the City of Wylie staff to the abandonment.
5. Attached, marked Exhibit No. 5, is the written consent of all the abutting property owners, except the following: (if none, so state)

- 
- 
6. Such public right-of-way/easement should be abandoned because:

*The alley is not being used & cannot be accessed.  
There are no utilities on the easement. The property  
is not being used & can be utilized better w/ new development*

7. Such public right-of-way/easement has been and is being used as follows:

*Easement is ~~no~~ currently not being used & cannot  
be accessed by public easily.*

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## EXHIBIT "B"

8. Attached, marked Exhibit No. 6, is the certified appraisal of the value of the land to be abandoned.
9. Attached, marked Exhibit No. 7, is a Release of Claims executed by each abutting property owner.

I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

Applicant's Signature: [Signature]

Applicant's Name: Vinay Kumar

Applicant's Address: 2014 Hwy 78 Bldg 150  
Wylie, Tx 75098

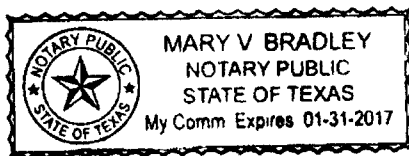
Applicant's Phone Number: 972-575-8885

### ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF Collin §

Subscribed and sworn to before me, a Notary Public, this 5th day of May, 2005, by Vinay Kumar.



Mary V. Bradley  
Notary Public in and for the State of Texas



## EXHIBIT "D"

Application for Abandonment of  
a Public Right-of-  
Way/Easement

Located: \_\_\_\_\_

### EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of Wylie, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

N/A \_\_\_\_\_ GAS COMPANY

BY: \_\_\_\_\_  
Title \_\_\_\_\_

N/A \_\_\_\_\_ TELEPHONE COMPANY

BY: \_\_\_\_\_  
Title \_\_\_\_\_

N/A \_\_\_\_\_ ELECTRIC COMPANY

BY: \_\_\_\_\_  
Title \_\_\_\_\_

*There is a electric  
Utility Pole which  
can be Relocated.*



## EXHIBIT "E"

Application for Abandonment of a Public Right-of-Way/Easement

Located: Block 3, Lot 8R Kellers 1st

### EXHIBIT NO. 4

The undersigned, City staff of the City of Wylie, certify that they have carefully considered the Application for Abandonment of the public right-of-way/easement referred to above pursuant to City ordinances and with respect to present and future needs of the City of Wylie and see no objection to the requested abandonment from the City's standpoint.

Chris Holsted  
City Engineer

[Signature]  
Building Official

Louise Allie  
Planning Director

\_\_\_\_\_  
Fire Marshal

\_\_\_\_\_  
Director of Public Services

# EXHIBIT "F"



## EXHIBIT NO. 5

[DATE] 4/30/15

[Name & Address] SHAD RICE  
114 S. Jackson Ave #200  
WYLIE TX 75098

RE: Abandonment of Right-of-Way  
Located at: 115 S. Birmingham St.

To Whom It May Concern:

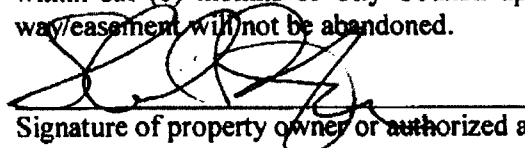
An abutting property owner of the above referenced public right-of-way has requested that the City abandon said right-of-way/easement. The City Council will consider this request in the near future. If abandoned, the half of the width of the right-of-way/easement will be offered for sale to the owners of abutting properties at the appraised fair market value, in accordance with Ordinance No. 2007-21, Section 2.12 of the Subdivision Regulations of the City of Wylie.

County records indicate that you are an owner of property abutting the subject portion of right-of-way/easement. Please complete the questions below, and return this letter to the City of Wylie Planning Department, 300 Country Club Road, Building 100, Second Floor. Wylie, Texas 75098 at your earliest convenience.

I do (☒) , I do not ( ☐ ), agree to the abandonment of the subject right-of-way/easement.


If abandoned by the City, I am ( ☐ ), I am not (☒) , interested in purchase of, at fair market value, that portion of the right-of-way/easement abutting my property.

If you do not wish to purchase the offered land, it will be offered to the other abutting property owners. All of the abandoned right-of-way must be purchased by the abutting property owner(s) within six (6) months of City Council approval. Unless the entire area is sold, the right-of-way/easement will not be abandoned.

  
Signature of property owner or authorized agent

# EXHIBIT "F"

## EXHIBIT NO. 5

  
CITY OF WYLIE

[DATE] 4/30/15

[Name & Address] Inwood National Bank / Inwood National Bank  
7621 Inwood Rd. / 200 S. Hwy 78  
Dallas, TX 75209 / Wylie, TX 75098

RE: Abandonment of Right-of-Way  
Located at: 115 S. Birmingham St.

To Whom It May Concern:

An abutting property owner of the above referenced public right-of-way has requested that the City abandon said right-of-way/easement. The City Council will consider this request in the near future. If abandoned, the half of the width of the right-of-way/easement will be offered for sale to the owners of abutting properties at the appraised fair market value, in accordance with Ordinance No. 2007-21, Section 2.12 of the Subdivision Regulations of the City of Wylie.

County records indicate that you are an owner of property abutting the subject portion of right-of-way/easement. Please complete the questions below, and return this letter to the City of Wylie Planning Department, 300 Country Club Road, Building 100, Second Floor, Wylie, Texas 75098 at your earliest convenience.

I do (✓), I do not ( ), agree to the abandonment of the subject right-of-way/easement.

If abandoned by the City, I am ( ), I am not (✓), interested in purchase of, at fair market value, that portion of the right-of-way/easement abutting my property.

If you do not wish to purchase the offered land, it will be offered to the other abutting property owners. All of the abandoned right-of-way must be purchased by the abutting property owner(s) within six (6) months of City Council approval. Unless the entire area is sold, the right-of-way/easement will not be abandoned.

Marvin Fuller, Branch President  
Signature of property owner or authorized agent

# EXHIBIT "G"

## RELEASE OF CLAIMS

In consideration of the abandonment of the 2580 sq. ft. of right-of-way which is a part of 16th First and adjacent to Lots 7A of Block 3 of the Original Town of Wylie, Texas, according to the Plat thereof recorded in Volume 2011, Page 142, of the Deed Records of COLLIN County, Texas, as more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Right-of-Way"), the receipt and sufficiency of which is hereby acknowledged, we, VEAP PROPERTIES LLC release any and all claims against the City of Wylie, Texas, and its Council Members, officers, agents, employees and representatives, which we may possess at the time of the execution of this document, or which come to exist as a result of conduct occurring prior to our execution of this document, relating in any way to the Right-of-Way.

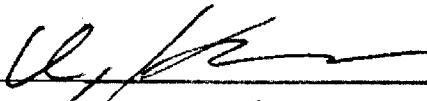
We are fully authorized and empowered to execute and enter into this Release upon the terms stated herein, and fully authorized and legally competent to execute this Release as the legal, valid and binding act and deed of the releasing party(ies). We represent and warrant that the claims released above are currently owned solely by us, VEAP PROPERTIES LLC, free and clear of all liens, encumbrances, pledges, assignments, claims and security interests of any kind or nature. We further represent and warrant that we have the right to compromise and settle the claims and any other claims that could have been asserted by us which relate in any way to the Right-of-Way.

We agree to indemnify and hold harmless the City of Wylie, Texas, and its Council Members, officers, agents, employees and representatives from any and all costs and damages arising from claims or encumbrances contrary to the representations and warranties contained in the preceding paragraph of this Release.

This Release shall be binding upon and inure to the benefit of the parties' respective legal heirs, successors and assigns.

Should any portion (word, clause, phrase, sentence, paragraph or section) of this Release be declared void or unenforceable, such portion shall be considered independent and severable from the remainder, the validity of which shall remain unaffected.

In witness whereof, we have executed this Release on the 5 day of May, 2011

  
\_\_\_\_\_  
VENAY KUMAR

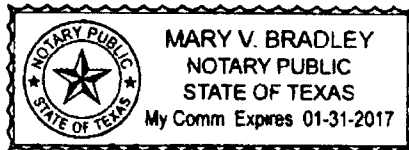
## EXHIBIT "G"

### ACKNOWLEDGMENT

STATE OF TEXAS       §  
                                  §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared Vinay Kumar, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the 5<sup>th</sup> day of May, 2015.



Mary V. Bradley  
Notary Public, State of Texas

My Commission Expires:  
01-31-2017

STATE OF TEXAS       §  
                                  §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the \_\_\_\_\_ day of \_\_\_\_\_, 200  .

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:  
\_\_\_\_\_

## EXHIBIT "H"

**CBRE**2100 McKinney Avenue, Suite 700  
Dallas, Texas 75201T (214) 979-5681  
F (214) 979-6395

www.cbre.com

September 18, 2014

Mr. John Nayeb  
The Nayeb Group  
1264 West Spring Valley Road  
Richardson, Texas 75080RE: Appraisal of Vacant Land  
NEC State Highway 78 and Oak Street  
Wylie, Collin County, Texas 75098  
CBRE, Inc. File No.: 14-361HO-1584

To Mr. Nayeb:

At your request and authorization, CBRE, Inc. has prepared an appraisal of the market value of the referenced property. Our analysis is presented in the following appraisal report.

The subject is a 0.099-acre (4,318 square foot) tract of vacant land (retail/commercial) located at the northeast corner of State Highway 78 and Oak Street in Wylie, Texas. The subject's small size and irregular shape limits the potential buyer pool for this property. The most likely end user is an adjoining property owner. Based on the analysis contained in the following report, the market value of the subject is concluded as follows:

MARKET VALUE CONCLUSION			
Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion
As Is	Fee Simple Estate	April 8, 2014	\$11,400
Compiled by CBRE			

The report, in its entirety, including all assumptions and limiting conditions, is an integral part of, and inseparable from, this letter.

The following appraisal sets forth the most pertinent data gathered, the techniques employed, and the reasoning leading to the opinion of value. The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, the guidelines and recommendations set forth in the Uniform Standards of Professional Appraisal Practice (USPAP), the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. It also conforms to Title XI Regulations and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) updated in 1994 and further updated by the Interagency Appraisal and Evaluation Guidelines promulgated in 2010.

The intended use and user of our report are specifically identified in our report as agreed upon in our contract for services and/or reliance language found in the report. No other use or user of the report is permitted by any other party for any other purpose. Dissemination of this report by

## EXHIBIT "H"

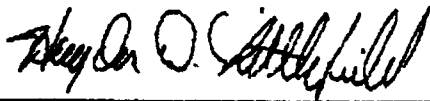
Mr. John Nayeb  
September 18, 2014  
Page 2

any party to non-client, non-intended users does not extend reliance to any other party and CBRE, Inc. will not be responsible for unauthorized use of the report, its conclusions or contents used partially or in its entirety.

It has been a pleasure to assist you in this assignment. If you have any questions concerning the analysis, or if CBRE, Inc. can be of further service, please contact us.

Respectfully submitted,

CBRE, Inc. - VALUATION & ADVISORY SERVICES



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Hayden D. Littlefield  
Vice President - VAS  
TX-1324546-G  
Phone: 214-979-5681  
Email: hayden.littlefield@cbre.com



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Julius Blatt, MAI, MRICS  
Managing Director  
TX-1320703-G  
Phone: 214-979-5672  
Email: julius.blatt@cbre.com

**CBRE**

# EXHIBIT "H"

## Executive Summary

### Executive Summary

<b>Property Name</b>	Vacant Land
<b>Location</b>	NEC State Highway 78 and Oak Street, Wylie, Collin County, Texas 75098
<b>Highest and Best Use</b>	
As If Vacant	Future Retail
<b>Property Rights Appraised</b>	Fee Simple Estate
<b>Land Area</b>	0.099 AC 4,318 SF
<b>Buyer Profile</b>	Owner-User

<b>VALUATION</b>	<b>Total</b>	<b>Per SF</b>
Land Value	\$11,400	\$2.64

CONCLUDED MARKET VALUE			
Appraisal Premise	Interest Appraised	Date of Value	Value
As Is	Fee Simple Estate	April 8, 2014	\$11,400
Compiled by CBRE			

#### Strengths, Weaknesses, Opportunities and Threats (SWOT)

Strengths and weaknesses are internal to the subject; opportunities and threats are external to the subject

#### Strengths/ Opportunities

- The subject is situated along two well traveled traffic carriers for the neighborhood and surrounding areas, thereby receiving an exposure level equal to most competing properties;
- Traffic counts are reported at 14,236 vehicles per day along State Highway 78 and 469 vehicles per day along Oak Street;
- The subject is located in an area with an upper-middle income demographic profile.
- The immediate area surrounding the subject is a favorable area for commercial development;
- Disposable income within a 3-mile radius of the subject is considered average for the MSA;
- The annual rate of change for All Retail Stores is indicated as 3.5%, 3.6% and 3.4% on 1.0-, 3.0- and 5.0-mile radii, respectively. When excluding the Auto Dealers category, the rate of change for all retail is 4.0%, 4.2% and 4.0% at the 1.0-, 3.0- and 5.0-mile radii, respectively. As noted, demand for most retail products is expected to increase over the next five years;

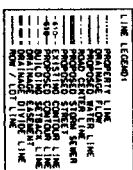
#### Weaknesses/ Threats

- The subject's irregular shape and small site size limit the potential end uses for the site;
- The subject's irregular shape and small site size limit the potential buyer pool, with the most likely end user being an adjoining property owner.

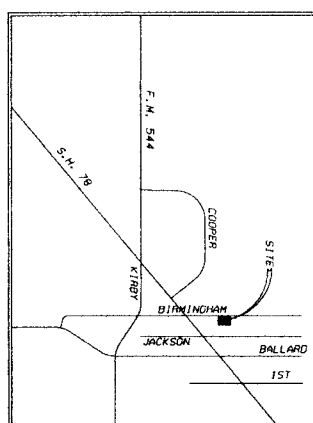
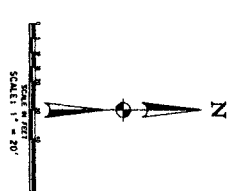
#### Extraordinary Assumptions

An extraordinary assumption is defined as "an assumption directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions.





P&Z  
Approved  
4-7-2015

[illegible][illegible]